

MEMORANDUM

HCD

Agenda Item No. 1(G)1

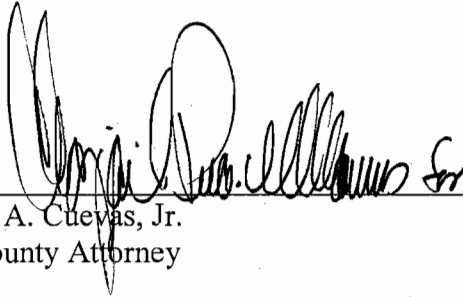
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: November 10, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance creating and
establishing Office of
Community Affairs under the
Board of County Commissioners
and amending Sections 2-207,
2-535, 2-835, 2-1090, Chapter
11A, and Article XXX of
Chapter 2 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

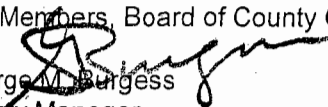
RAC/up

Memorandum



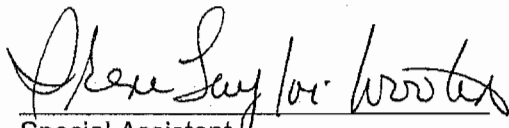
Date: December 1, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: 
George M. Burgess
County Manager

Subject: Ordinance Amending the Code; Creating and Establishing the Office of Community Affairs

The proposed amendment effectively transfers the positions, responsibilities and appropriations from the Office of Community Advocacy to the Office of Community Affairs under the Board of County Commissioners. If implemented as proposed, the legislation would result in no fiscal impact to Miami-Dade County.


Special Assistant

fis02110



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: October 20, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(B)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(B)
10-20-09

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING OFFICE OF COMMUNITY AFFAIRS UNDER THE BOARD OF COUNTY COMMISSIONERS TO PROVIDE SUPPORT TO THE COMMUNITY RELATIONS BOARD, THE MIAMI-DADE COUNTY HISPANIC AFFAIRS ADVISORY BOARD, THE MIAMI-DADE COUNTY BLACK AFFAIRS ADVISORY BOARD, THE MIAMI-DADE COUNTY ASIAN-AMERICAN ADVISORY BOARD, THE MIAMI-DADE COUNTY COMMISSION ON HUMAN RIGHTS, AND THE COMMISSION FOR WOMEN; AMENDING SECTIONS 2-207, 2-535, 2-835, 2-1090, CHAPTER 11A, AND ARTICLE XXX OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE COMMUNITY RELATIONS BOARD, THE MIAMI-DADE COUNTY HISPANIC AFFAIRS ADVISORY BOARD, THE MIAMI-DADE COUNTY BLACK AFFAIRS ADVISORY BOARD, THE MIAMI-DADE COUNTY ASIAN-AMERICAN ADVISORY BOARD, THE MIAMI-DADE COUNTY COMMISSION ON HUMAN RIGHTS, AND THE COMMISSION FOR WOMEN, RESPECTIVELY, TO PROVIDE THAT THE OFFICE OF COMMUNITY AFFAIRS, RATHER THAN THE COUNTY MAYOR AND COUNTY MANAGER, SHALL PROVIDE SUPPORT FOR SUCH ADVISORY BOARDS; AMENDING THE FISCAL YEAR 2009-10 COUNTY BUDGET; REMOVING APPROPRIATED FUNDING, REVENUE AND POSITIONS FROM THE OFFICE OF COMMUNITY ADVOCACY; APPROPRIATING FUNDING, REVENUE AND POSITIONS TO THE OFFICE OF COMMUNITY AFFAIRS UNDER THE BOARD OF COUNTY COMMISSIONERS; RESCINDING ADMINISTRATIVE ORDER NO. 9-2 RELATING TO THE OFFICE OF COMMUNITY RELATIONS; APPROPRIATING GRANT FUNDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Chapter 2 of the Code of Miami-Dade County, Florida shall be amended to include a new Article entitled "Office of Community Affairs" that will read as follows:

Office of Community Affairs

Sec. 1. Authority and Purpose.

The Office of Community Affairs is hereby created and established under the Board of County Commissioners. The purpose of the Office of Community Affairs is to provide support to the Commission on Human Rights and five advisory boards: the Community Relations Board, the Miami-Dade County Asian-American Advisory Board, the Miami-Dade County Black Affairs Advisory Board, the Miami-Dade County Hispanic Affairs Advisory Board, and the Commission for Women. The five advisory boards are collectively referred to as the "Advisory Boards." The Office of Community Affairs shall be provided a discrete budget and staffing allowance.

Sec. 2. Staffing.

The Office of Community Affairs at a minimum shall be staffed by the Chief Program Officer and one Program Officer for each Advisory Board, for a total of six Program Officers including the Chief Program Officer. Subject to and in accordance with the minimum staffing levels set forth in the preceding sentence, the Chief Program Officer shall have the power to appoint, employ, remove and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to the Commission on Human Rights and the Advisory Boards. The County Commission may, by a two-thirds vote of the members present, adopt a resolution amending the minimum staffing levels set forth in this Section.

Sec. 3. Interim Chief Program Officer.

Upon the creation of the Office of Community Affairs an interim Chief Program Officer shall be selected by the Chairperson of the County Commission. The interim Chief Program Officer shall serve at the will of the Chairperson of the County Commission as the head of the Office of Community Affairs in accordance with the provisions of this section and shall be removed upon the Board's selection of the Chief Program Officer. The Chairperson of the County Commission shall determine the appropriate salary and benefits package for the interim Chief Program Officer.

Sec. 4. Chief Program Officer.

(a) Notwithstanding and prevailing over anything to the contrary in the Code of Miami-Dade County, Florida, a Chief Program Officer of the Office of Community Affairs shall be selected by the County Commission using the selection process described below and shall report solely to and receive direction from the County Commission. The County Commission shall determine the appropriate salary and benefits package for the Chief Program Officer.

(b) The selection process for the Chief Program Officer shall be open and competitive.

(c) An Ad Hoc Chief Program Officer Screening Committee (the "Screening Committee") shall be appointed by the County Commission within thirty days after the effective date of this Ordinance. The Screening Committee shall be composed of five members appointed by the County Commission from a list of nominees and accompanying resumes submitted to the Clerk of the Board by each member of the County Commission no later than twenty days from the effective date of this ordinance. The members of the Screening Committee must reside in Miami-Dade County, Florida. The Miami-Dade County Department of Human Resources shall advertise the availability of the position of Chief Program Officer and shall provide the Screening Committee with a list of qualified candidates. The Chief Program Officer shall have managerial and community organization experience. The Screening Committee shall screen, interview and evaluate applicants for the position of Chief Program Officer, and propose a slate of the top five candidates for the County Commission's consideration. The Screening Committee shall be staffed by the Department of Human Resources.

(d) The County Commission shall interview and select the Chief Program Officer from the slate presented by the Screening Committee. The Chief Program Officer may be removed from office by a vote of at least two-thirds of the membership of the County Commission.

Section 2. Section 2-207 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows¹:

Sec 2-207. Support.

~~[[The Executive Director and staff of the Community Relations Board shall be provided for in an administrative order prepared by the County Manager and approved by the Board of County Commissioners. Administrative]]~~ >>The Office of Community Affairs shall provide appropriate support for<< ~~[[Oversight of]]~~ the Community Relations Board ~~[[staff shall be the responsibility of the County Manager]]~~.

Section 3. Section 2-535 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 2-535. Support.

The >>Office of Community Affairs<< ~~[[County Manager]]~~, County Attorney and Clerk of the Board shall provide appropriate support for the Hispanic Affairs Advisory Board.

Section 4. Section 2-835 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 2-835. Support.

The >>Office of Community Affairs<< ~~[[County Manager]]~~, County Attorney and Clerk of the Board shall provide appropriate support for the Black Affairs Advisory Board.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 5. Section 2-1090 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 2-1090. Support.

The >>Office of Community Affairs<< ~~[[County Manager]]~~, County Attorney and Clerk of the Board shall provide appropriate support for the Asian >>-American<< Advisory Board.

Section 6. Section 11A-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 11A-1. Declaration of Policy and scope.

* * *

(4) *Deferment by other enforcement agencies.* The ~~[[Director of the Commission on Human Rights]]~~ >>Chief Program Officer of the Office of Community Affairs<<, subject to approval by the County Commission, and upon written agreement with the United States Department of Housing and Urban development, the United States Equal Employment Opportunity Commission or any other federal, state, or local agencies may accept written, sworn and signed complaints of violations of this chapter deferred to the Commission on Human Rights by such agency for investigation and resolution; however, the ~~[[Director of the Commission on Human Rights]]~~ >>Chief Program Officer of the Office of Community Affairs<< may waive such deferment.

Section 7. Section 11A-2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 11A-2. Definitions.

* * *

(7) *Director* shall mean the ~~[[Director of the Miami-Dade County Commission on Human Rights]]~~ >>Chief Program Officer of the Office of Community Affairs<<.

Section 8. Section 11A-3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 11A-3. Office of the Director ~~[[Established]]~~.

(1) ~~[[The position of Commission on Human Rights Director is hereby created and established. The Director shall be appointed by and serve at the will of the County Manager. The position shall be exempt from the classified service of the County.]] >>[REPEALED]<<~~

(2) The duties, functions, powers and responsibilities of the Director include but are not limited to, the following:

* * *

(i) Performing such other administrative duties as may be assigned by the >>Chairperson of the County Commission<< ~~[[County Manager]]~~.

Section 9. Section 11A-4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 11A-4. Commission on Human Rights established.

* * *

(8) >>Office of Community Affairs<< ~~[[County Manager]]~~. The >>Office of Community Affairs<< ~~[[County Manager]]~~ shall provide such adequate and competent administrative, technical and clerical personnel as may be reasonably required by the Commission for the proper performance of its duties. The >>Chairperson of the County Commission<< ~~[[County Manager]]~~ shall provide a regular meeting place for the Commission.

Section 10. Section 11A-30 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 11A-30. Definitions.

As used in this article:

* * *

(2) *Director* shall mean the ~~[[Director of the Miami-Dade County Commission on Human Rights]]~~ >>Chief Program Officer of the Office of Community Affairs<< or his or her designee.

Section 11. Section 11A-60 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 11A-60. Definitions.

As used in this article:

* * *

(2) *Director* shall mean the ~~[[Director of the Commission on Human Rights]]~~ >>Chief Program Officer of the Office of Community Affairs or his or her designee<<.

Section 12. The substantive rights that have been created and have accrued in whole or in part under Chapter 11A shall not be extinguished or in any way affected by the repeal, amendment or renumbering of Chapter 11A.

Section 13. Article XXX of Chapter 2 of the Code of Miami-Dade County, Florida, related to the Commission for Women is hereby amended to add a new section as follows:

Sec. 2-271. Support Staff.

>>The Office of Community Affairs, the County Attorney and Clerk of the Board shall provide appropriate support for the Commission for Women.<<

Section 14. In compliance with the provisions of Section 1.02(A) of the Miami-Dade County Home Rule Charter and Section 129.06, Florida Statutes, the Fiscal Year 2009-10 County budget, as amended and passed on September 18, 2009, is amended to remove the entire appropriation to the Office of Community Advocacy, together with the revenues supporting such appropriation and the 10 budgeted positions, and said amount, revenues, expenditures and budgeted positions shall be appropriated to the Office of Community Affairs under the Board of County Commissioners all as more fully set forth in Attachment A, a copy of which is attached hereto and made a part hereof. The budget as amended by Attachment A is hereby approved, adopted, and ratified and the budgeted expenditures therein provided are hereby appropriated.

Section 15. Administrative Order No. 9-2 entitled "Office of Community Relations" is hereby rescinded in its entirety.

Section 16. All grant funds received by the County are hereby appropriated at the levels and for the purposes intended by the grants.

Section 17. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 18. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of Sections 1 through 11 and 13 of this Ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

//

Section 19. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

APW/RAC

Prepared by:

GBK

Geri Bonzon-Keenan

Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz

**OFFICE OF COMMUNITY ADVOCACY
(Fund 030, Subfund 048)**

<u>Revenues:</u>	<u>2009-10</u>
Previously Approved Revenues	1,158,000
Adjusted Revenues	<u>(1,158,000)</u>
Total	<u>\$0</u>

<u>Expenditures:</u>	
Previously Approved Expenditure	1,158,000
Adjusted Expenditures	<u>(1,158,000)</u>
Total	<u>\$0</u>

**Board of County Commissioners
(Fund 030, Subfund 048)**

<u>Revenues:</u>	<u>2009-10</u>
Previously Approved Revenues	0
Interagency Transfers	97,000
Federal Grants/Contracts	<u>117,000</u>
Total	<u>\$214,000</u>

<u>Expenditures:</u>	
Previously Approved Expenditures	\$0
Additional Operating Expenditures	<u>214,000</u>
Total	<u>\$214,000</u>

COUNTYWIDE GENERAL FUND

Attachment A

From:

2009-10

Community Advocacy

944,000

Total

\$944,000

To:

Board of County Commissioners

944,000

Total

\$944,000